



CCSW Priority Legislation — Year 2004

Final Report — Governor's Action

October 4, 2004

The 2003/2004 legislative session adjourned for final recess on August 31. The Governor had until September 30 to sign or veto bills approved by the Legislature. New laws, except those approved as urgency measures, take effect on January 1, 2005. As we approach the 05/06 session, the impact of California's fiscal deficit on programs and services for women and their families, particularly the underserved, remain among the Commission's top priorities. Also on our agenda will be the Governor's California Performance Review recommendations for program cuts and major reorganization of government agencies, including elimination of the Commission.

Our 2004 legislative agenda included 60 priority bills — of the **32** bills that reached Governor Schwarzenegger's desk, he ***signed 18 and vetoed 14***. The Commission also supported a number of Resolutions, 24 of which were approved by the Legislature (the Governor takes no final action on Resolutions). We ***opposed 6*** bills that would have negatively impacted a woman's right to choose, none of which reached the Governor.

Session highlights include the enactment of **AB 2404** by Assemblymember Darrell Steinberg, co-sponsored by the Commission and the American Civil Liberties Union. Patterned after federal Title IX provisions, AB 2404 will help ***local governments provide fair and equitable treatment to both genders*** in the administration of community athletic programs. Other important ***measures signed by the Governor impact*** access to health care; reproductive freedom; victims of domestic violence and sexual assault, sexual harassment in the workplace, CalWORKs recipients; victims of trafficking and child prostitution, incarcerated women, foster youth, and pregnant teens and their children.

On the downside, a number of significant bills we supported were vetoed. These include SB 1525 and 1555 (Speier) that would have increased women's access to ***health care***; AB 358 (Jackson) that would have begun the implementation of the principles of ***CEDA W*** at the state level; and AB 2317 (Oropeza) that would have strengthened ***equal pay*** laws.

ENACTED

Child and Other Dependent Care

SB 1178 (Kuehl) enacts the Teen Parents in Foster Care Act and makes legislative findings and declarations regarding the need to provide resources and support to dependent teens and their children.

SB 1413 (Brulte/Scott) prohibits under certain circumstances, a person from being held liable for civil damages as a result of helping someone surrender physical custody of a child to a "safe-surrender" site.

Economic Security

SB 1156 (Alarcón) encourages access to microenterprise development in order to create new jobs and income opportunities for individuals of low- and moderate-income.

SB 1639 (Alarcón) increases access to quality, language-accessible education and training programs for low-income parents and foster youth in California

Employment

AB 1825 (Reyes) requires employers with 50 or more employees to provide 2 hours of training and education in sexual harassment to all supervisory employees within one year, starting January 1, 2005, unless they have provided such training after August 1, 2003. After January 1, 2006, employers are required to provide training and education to each supervisory employee once every 2 years.

Equality

AB 2404 (Steinberg) prohibits gender discrimination by cities or counties in the administration of community youth athletic programs and in the allocation of parks and recreation facilities and resources that support such programs and activities.

SB 1234 (Kuehl) creates a uniform definition of hate crime and enhances protection for all persons associated with protected classes.

Family Law

AB 252 (Jackson/Ashburn) authorizes a court to set aside a voluntary declaration of paternity unless it determines that denial of such action is in the best interest of the child.

AB 2018 (Chu) would provide that in divorce proceedings, if there is a judgment for civil damages for an act of domestic violence, the court may enforce that judgment against the abusive spouse's share of community property.

Health Care Access

AB 2151 (Jackson) codifies current Medi-Cal regulations to provide that community and free clinics must be reimbursed for take-home drugs and supplies at the "usual charges made to the general public" as long as those charges are lower than the reimbursement rates for retail pharmacies.

AB 2208 (Kehoe) requires health care plans and insurers to provide coverage to a registered domestic partner of an employee, subscriber, insured, or policyholder that is equal to the coverage provided to a spouse.

SB 1196 (Cedillo) authorizes sharing of the National School Lunch Program application for purposes of determining eligibility for the Healthy Families Program and any other county- or locally-sponsored health

insurance programs when a child does not meet Medi-Cal eligibility requirements, and if the parent or guardian has consented to sharing of information.

Reproductive Health

SB 1590 (Dunn) prohibits disclosure of personal information received, collected, or compiled by certain public agencies regarding employees, volunteers, board members, officers, or contractors of a reproductive health facility.

Violence

AB 3042 (Yee) provides that any person with a felony conviction for a specified offense involving unlawful sexual intercourse, sodomy, lewd and lascivious acts, and oral copulation with a minor for money or other consideration is punishable by an additional one-year term of imprisonment in state prison.

SB 1385 (Burton) expands the class of survivors eligible to file a petition for review of their case based on “battered women’s syndrome” to include those who committed any crime so long as the abuse is directly related to the act, and abused women whose offenses occurred prior to August 29, 1996.

SB 1441 (Kuehl) gives victims of domestic violence the right to have a domestic violence advocate and a support person of his or her choosing present at any interview by law enforcement authorities, district attorneys, or defense attorneys.

Women in Prison

AB 1530 (Negrete McLeod) requires the State Department of Corrections to admit to a community treatment program any applicant who meets admission criteria, whose child was born prior to her incarceration, or who is pregnant.

AB 1796 (Leno) allows persons with felony convictions involving possession or use of drugs to qualify for aid under the Food Stamp Program.

VETOED

Economic Security

AB 1918 (Montañez) would have allowed school employees to use up to six weeks of differential pay leave to care for a seriously ill child, spouse, parent, or domestic partner, or to bond with a new child.

AB 2317 (Oropeza) would have increased the damages an aggrieved employee could obtain if successful in bringing civil action against an employer who has violated existing equal pay laws to include a specified civil penalty, and mandated the types of damages that could be recovered.

AB 2989 (Corbett) would have allowed CalWORKs recipients in Alameda County to receive aid for a cumulative period of not more than 48 months if he or she signed a welfare-to-work plan and was continuously enrolled in a training program for registered nurses approved by the Board of Registered Nursing.

Education

AB 2240 (Oropeza) would have enacted the Equity in Athletics Bill of Rights, specifying a student's rights relating to gender equity in athletics. Would have required the State Department of Education to post the "bill of rights" on its website. School districts electing to offer competitive or club sports would have been required to print and post posters setting forth the bill of rights.

Equality

AB 358 (Jackson) would have required the State to implement the principles of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) by addressing discrimination against women and girls. Beginning January 1, 2006, the state departments of Corrections, Education, and Health Services would have been required to conduct, in consultation with the California Commission on the Status of Women, an evaluation of their departments to ensure non-discrimination against women in the allocation of funding and the delivery of services.

SB 301 (Alarcón) would have created the Commission on Latino/Latina Affairs to advise the Governor, the Legislature and state agencies, departments, and commissions on issues relating to social and economic development, rights, and interests of Latino/Latina communities.

Family Law

SB 339 (Alpert) would have enacted the Private Child Support Act to regulate the activities of private child support collectors. Among other things, would have limited the child support that could be collected and the fees that could be charged by a private child support collector.

Health Care Access

SB 379 (Ortiz) would have implemented first-in-the-nation consumer protections for self-pay hospital patients and improved access to health care for low-income uninsured and underinsured.

SB 1525 (Speier) would have required consolidation of the Family Planning Access Care and Treatment Program (Family PACT) and the Cancer Detection Every Woman Counts (EWC) Program, to be administered by the Office of Family Planning.

SB 1555 (Speier) would have required the inclusion of maternity care as basic coverage in all health insurance products.

Violence

AB 2403 (Jackson) would have created a new crime of unlawful surveillance and imposed penalties for persons found guilty of capturing visual images of a person in their own home without his or her consent and/or disseminating those images.

Women in Prison

AB 1914 (Montañez) would have established within the Department of Corrections the Robert E. Burton Correctional Education Committee. The Committee, among other things, would have been required to develop and implement a plan for providing transitional educational services for inmates, including counseling and placement services.

AB 1946 (Steinberg) would have made prisoners diagnosed with a disease likely to result in death within 6 months, and whose release is not considered a threat to public safety, eligible to have their sentence recalled and to be re-sentenced.

SB 1287 (Kuehl) would have required courts , at an arraignment where charges could result in incarceration for 6 or more months, to inform any defendant who is a custodial parent that a conviction may have consequences for his or her parental rights. Would also have required the Department of Corrections to provide a child-friendly environment for visits between incarcerated parents and their children; and to provide information and resources for families of the incarcerated on the Department website.

You can access bill history, committee analyses, voting records, and the Governor's veto messages by visiting www.leginfo.ca.gov. If you have questions or would like more information about the Commission, please contact Vicki Atwood, the Commission's Legislative Coordinator, at 916-322-9462, or email her at vatwood@women.ca.gov.